

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WAYNE RAUCEO,

Plaintiff,

v.

PHILADELPHIA GAS WORKS,

Defendant.

CIVIL ACTION
NO. 19-04279

ORDER

AND NOW, this 3rd day of February 2020, upon consideration of Plaintiff Wayne Rauceo's Amended Complaint (ECF No. 6), Defendant Philadelphia Gas Works' Partial Motion to Dismiss (ECF No. 8) and Plaintiff's Response (ECF No. 10), it is hereby **ORDERED** that the Motion is **GRANTED**. Count IV of the Amended Complaint is **DISMISSED** without prejudice. Rauceo may file a second amended complaint on or before **Monday, February 17, 2020**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.